



**Testimony Before the Michigan House Committee on Oversight
Regarding House Bill 6202
The Heartland Institute
June 21, 2022**

Chairman Johnson and Members of the Committee,

Thank you for holding a hearing on [House Bill 6202](#), a bill that would rein in executive powers granted to the governor during a state of energy emergency. House Bill 6202 is a step in the right direction towards curbing gubernatorial power during emergency declarations, especially after the coronavirus pandemic shed light upon how easily these can be abused.

My name is Samantha Fillmore, and I am a State Government Relations Manager at The Heartland Institute. The Heartland Institute is a 38-year-old independent, national, nonprofit think tank and our mission is to discover, develop, and promote free-market solutions to social and economic problems. Heartland focuses on providing elected officials on all levels with reliable and timely research on important policy issues such as gubernatorial overreach during a state of energy emergency.

With its unforeseen and unpredictable nature, the coronavirus pandemic shook every state in our union to its core. Lawmakers and constituents alike have watched some states enjoy tremendous success in their pandemic response, while other states' responses have been haphazard and counterproductive. Yet, regardless of effectiveness, governors have acted with little to no input from the legislative branch. This has effectively removed the elected representatives and the constituencies they serve from having any say in policy formulation.

Two of the most glaring cases of gubernatorial overreach were seen in California and New York. The latter's governor—Andrew Cuomo—was responsible for widespread nursing home deaths, one of the most tragic stories to come out of the pandemic. If governors are left unchecked with unilateral control, they can make decisions that may cost lives and decimate a state's economy.

Thankfully, states have created models for simultaneously managing re-opening their economies while still remaining focused upon crisis mitigation.

The concept encompassed by HB 6202 is straightforward and necessary: it creates commonsense time restrictions and limitations on gubernatorial powers. Furthermore, it reintegrates the legislature into the governing

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process during states of energy emergency. It aligns with many of the principles developed by the Heartland Institute during the pandemic, which legislators can reference upon any gubernatorial abuses of power.

Some of these ideas and principles include:

1. The ability to immediately nullify an emergency proclamation via resolution.
2. The creation of time limitations for an emergency order, renewable by the legislature.
3. The ability to pass a resolution that requires the governor to call a special session to approve of an emergency proclamation if the legislature is out of session.
4. Permitting an interim committee or group of legislative leaders to extend or reject emergency proclamations.
5. The imposition of specific limits to executive authority during an emergency proclamation (i.e., restrict the governor from unilaterally closing businesses, closing houses of worship, or shutting down freedom of the press, and the right to bear arms).

As is clear from HB 6202, a clear appetite exists amongst Great Lake State lawmakers and constituents to restrict gubernatorial overreach, especially after the coronavirus pandemic. Co-equal governance is a bedrock American democracy. Via this legislation, Michigan lawmakers can catch up to their peers in other states who have already taken measures to rein in executive authority.

I want to thank Representative Martin as well as the other co-sponsors for crafting this legislation with virtuous goals and aims. This bill lays out a clear process for Michigan lawmakers to reassert their rightful place as a much-needed check against the executive branch during a state of energy emergency.

Thank you for your time and consideration on this important issue.

Nothing in this testimony is intended to influence the passage of legislation, and it does not necessarily represent the views of The Heartland Institute. For further information on this and other topics, [The Heartland Institute's website](https://www.heartland.org) provides a great link to many policy resources.

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